

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

WILLIAM M. JOHNSON,

Petitioner,

v.

HOWARD PAINTER, Warden,

Respondent.

CIVIL ACTION NO. 5:98-1097

ENTERED

FEB 19 1999

SAMUEL L. KAY, CLERK

U. S. Bankruptcy Court  
Southern District of West Virginia

O R D E R

Pending before the court is petitioner's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254. By Standing Order, this action was referred to United States Magistrate Judge Mary S. Feinberg for submission of recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Feinberg submitted to the court her Findings and Recommendation on January 14, 1999, in which she recommended that the District Court exercise its discretion and transfer this civil action to the United States District Court for the Northern District of West Virginia for further proceedings.

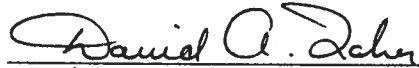
In accordance with the provisions of 28 U.S.C. § 636(b), Rule 8(b) of the Rules Governing Section 2254 Proceedings in the United States District Courts, and Rules 6(e) and 72(b) of the Federal Rules of Civil Procedure, the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge Feinberg's Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Neither party filed written objections. Having reviewed the Findings and Recommendation filed by Magistrate Judge Feinberg, the court adopts the findings and recommendation contained therein. Accordingly, the court hereby **TRANSFERS** this action to the United States District Court for the Northern District of West Virginia.

The Clerk is directed to forward a copy of this Order to counsel of record and petitioner, and to the Clerk of the United States District Court for the Northern District of West Virginia.

**IT IS SO ORDERED** this 19th day of February, 1999.

ENTER:



David A. Faber  
United States District Judge

